

HOUSE BILL 939

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HB 901/03 - ENV

2004 Regular Session
4lr0396
CF 4lr0911

By: **Prince George's County Delegation and Montgomery County
Delegation**

Introduced and read first time: February 11, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Land Use Regulation - Delegation to Municipal**
3 **Corporations**
4 **PG/MC 103-04**

5 FOR the purpose of authorizing the district council for Prince George's County to
6 delegate certain powers relating to planning and zoning to certain governing
7 bodies of municipal corporations within the Maryland-Washington Regional
8 District in Prince George's County under certain circumstances; authorizing
9 review of certain decisions by the district council; authorizing the district council
10 to approve a certain action by a majority vote of its members; authorizing the
11 district council to approve with conditions or overrule a certain action by a vote
12 of at least a certain number of members; authorizing certain persons to appeal
13 to the circuit court; providing that, for certain purposes, a municipal corporation
14 shall be considered an aggrieved person; and generally relating to the delegation
15 of certain land use matters from the district council of Prince George's County to
16 municipal corporations in the county.

17 BY repealing and reenacting, with amendments,
18 Article 28 - Maryland-National Capital Park and Planning Commission
19 Section 8-112.4
20 Annotated Code of Maryland
21 (2003 Replacement Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article 28 - Maryland-National Capital Park and Planning Commission**

25 8-112.4.

26 (a) This section applies to any land within the corporate limits of a municipal
27 corporation in the Maryland-Washington Regional District in Prince George's County.

1 (b) (1) Subject to paragraph (2) of this subsection, the district council may
2 provide that the governing body of a municipal corporation may exercise the powers of
3 the district council in regard to:

- 4 (I) CERTIFICATION, REVOCATION, AND REVISION OF
5 NONCONFORMING USES;
- 6 (II) CONCEPTUAL SITE PLANS;
- 7 [(i)] (III) Design standards;
- 8 (IV) DETAILED SITE PLANS;
- 9 [(ii)] (V) Parking and loading standards;
- 10 (VI) MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS;
- 11 [(iii)] (VII) Sign design standards;
- 12 [(iv)] (VIII) Variances for lot size, setback requirements, and
13 similar requirements; [and]
- 14 (IX) VACATION OF MUNICIPAL RIGHTS-OF-WAY; AND
- 15 [(v)] (X) Landscaping requirements.

16 (2) When exercising authority delegated under paragraph (1) of this
17 subsection, the governing body of a municipal corporation shall be subject to the
18 substantive and procedural requirements and standards established by the district
19 council.

20 (3) When exercising authority delegated under paragraph (1) of this
21 subsection, the governing body of a municipal corporation may not impose any
22 standard or requirement different from standards or requirements that would apply
23 had the district council not delegated its authority to the municipal corporation.

24 (c) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
25 SUBSECTION, ANY party to an action of the governing body of a municipal corporation
26 under this section shall have the same right of appeal to the circuit court as the party
27 would have if the action had been taken by the district council.

28 (2) (I) ANY PARTY OF RECORD TO AN ACTION OF THE GOVERNING
29 BODY OF A MUNICIPAL CORPORATION UNDER THIS SECTION REGARDING
30 CERTIFICATION, REVOCATION, AND REVISIONS OF NONCONFORMING USES,
31 CONCEPTUAL SITE PLANS, OR DETAILED SITE PLANS MAY APPEAL THE ACTION TO
32 THE DISTRICT COUNCIL FOR REVIEW ON THE RECORD.

33 (II) THE DISTRICT COUNCIL MAY APPROVE AN ACTION OF A
34 MUNICIPAL CORPORATION UNDER THIS PARAGRAPH BY A MAJORITY VOTE OF ITS
35 MEMBERS.

1 (III) THE DISTRICT COUNCIL MAY APPROVE WITH CONDITIONS OR
2 OVERRULE AN ACTION OF A MUNICIPAL CORPORATION UNDER THIS PARAGRAPH BY
3 A VOTE OF AT LEAST SIX OF ITS MEMBERS.

4 (IV) A PERSON AGGRIEVED BY THE ACTION OF THE DISTRICT
5 COUNCIL UNDER THIS PARAGRAPH MAY APPEAL TO THE CIRCUIT COURT.

6 (V) FOR PURPOSES OF APPEAL, THE MUNICIPAL CORPORATION
7 WHOSE ACTION IS AFFECTED BY THE ACTION OF THE DISTRICT COUNCIL SHALL BE
8 CONSIDERED AN AGGRIEVED PERSON.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 2004.